

FILED  
Clerk  
District Court

AUG 16 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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UNITED STATES DISTRICT COURT  
NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,	)	Criminal Case No. <u>03-00001</u>
	)	
Plaintiff,	)	Trial: Jury
	)	Date: August 17, 2005
v.	)	Time: 9:00 a.m.
	)	Judge: Hon. Alex R. Munson
VANN LE,	)	
	)	GOVERNMENT'S MOTION IN LIMINE
	)	TO ADMIT DEFENDANT'S PRIOR
Defendant.	)	CONVICTION
	)	
	)	

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Leonardo M. Rapadas, United States Attorney, and Timothy E. Moran, Assistant United States Attorney, and hereby moves in limine to introduce for impeachment purposes only the defendant's prior conviction for "forgery of stamps and documents of an agency," in the event that he testifies. Pursuant to Fed. R. Evid. 609(a)(2), a crime that involves dishonesty or a false statement is admissible without regard to the punishment and without being subject to a Rule 403 analysis. The defendant was convicted in Vietnam of forging stamps and documents of an agency, namely passport documents (a translated copy of the conviction from Vietnam is attached to the motion, at p. 4). Using forged or counterfeit documents such

1 as a passport is *per se* a crime of dishonesty. United States v. Harris, 738 F.2d 1068, 1073 (9<sup>th</sup> Cir.  
2 1984). Accordingly, the Government should be permitted to impeach the defendant with his prior  
3 conviction in the event that he testifies.  
4

5 LEONARDO M. RAPADAS  
6 United States Attorney  
Districts of Guam and the NMI

7 Date: 8/16/05

8 By: 

9 TIMOTHY E. MORAN  
10 Assistant United States Attorney  
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**File# 192B-HN-17212**  
**SA Joseph E. Auther**

**Language: Vietnamese**  
**LS The Van Nguyen**

Ministry of Public Security  
City Police Agency  
Happiness  
No 08/C16-P4(C3)

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence-Liberty-**

*Ho Chi Minh City, May 20, 2004*

**CONCLUSION OF INVESTIGATION  
INTO THE CASE OF FORGERY OF STAMPS AND DOCUMENTS  
OF AN AGENCY HAPPENING IN HO CHI MINH CITY**

**I. BASED ON INSTITUTING PROCEEDINGS:**

- Based on the Criminal Code and the Code of Criminal Procedure of the Socialist Republic of Vietnam.

- Based on the Decision number 22 dated on December 31, 2003 of the Ministry of Public Security's City Police Agency to institute the criminal case of forgery of stamps and documents of an agency.

- Based on the Decision number 114 dated on December 31, 2003 of the Ministry of Public Security's City Police Agency to prosecute the defendant Vann Le for forgery of stamps and documents of an agency in accordance with Article 267 of the Criminal Code.

- Based on the Decision number 05 dated on April 26, 2004 of the Ministry of Public Security's City Police Agency to prosecute the defendant Tran Hong Cuong for forgery of stamps and documents of an agency in accordance with Article 267 of the Criminal Code.

- Based on the Decision number 11 dated on May 20, 2004 of the Ministry of Public Security's City Police Agency to temporarily stop the investigation of the defendant Tran Hong Cuong for forgery of stamps and documents of an agency in accordance with Article 267 of the Criminal Code.

After finishing the investigation, the Ministry of Public Security's City Police Agency has had sufficient foundation to conclude the contents of the case as follows:

**II. THE DEFENDANT'S BACKGROUND:**

Full name: Vann Le  
Other name: Long, Khai  
Born on June 12, 1970 in Da Nang

Sex: male

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**SA Joseph E. Auther**

**Language: Vietnamese**  
**LS The Van Nguyen**

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**Permanent residence:** 2807 Village Road, Lakewood, California, USA.

**Dwelling place:** Thuong Gia Hotel, 223 Bis Hai Ba Trung, Ward 6, District 3, Ho Chi Minh City.

**Nationality:** US

**Father's full name:** Le Tap, 70 years old, living in the United States.

**Mother's full name:** Dinh Tin, 62 years old, living in the United States.

**Wife's full name:** Yuki Higuchi Le, 26 years old, living in Japan. No children.

**Arrested on December 12, 2003 for bank robbery, using and carrying a firearm illegally, which happened in the United States (arrested on the suggestion of the US Consulate General in Ho Chi Minh City), prosecuted and temporarily detained for three months for forgery of stamps and documents of an agency.**

**Temporarily being detained in the Ministry of Public Security's Camp T17.**

**Criminal records:** Prosecuted by the US court for bank robbery, using and carrying a firearm illegally, and running away to Vietnam.

### III. THE CONTENTS OF THE CASE:

On the suggestion of the US Consulate General in Ho Chi Minh City regarding arrest of the wanted subject, and under the guidance of the leadership of the Ministry of Public Security and the General Directorate of Police, on December 23, 2003, the Ministry of Public Security's City Police Agency arrested:

**Full name:** Vann Le, born on June 12, 1970 in Da Nang

**Permanent residence:** 2807 Village Road, Lakewood, California, USA.

**Dwelling place:** Thuong Gia Hotel, 223 Bis Hai Ba Trung, Ward 6, District 3, Ho Chi Minh City.

**Nationality:** US **Race:** Kinh.

**Occupation:** Business

**Offence:** Bank robbery, using and carrying a firearm illegally.

After Vann Le was arrested, on December 25, 2003, Mr. Nguyen Dinh Som and Mr. Ly Van Thanh, employees of the CML Corporation located at 283 Hoang Van Thu, Ward 2, Tan Binh District, Ho Chi Minh City, discovered a wallet of Vann Le in his office, and submitted it to the Ministry of Public Security's City Police Agency. In the wallet there were three papers bearing others' names, but Vann Le's pictures were affixed on them. These three papers were:

1. One passport number A0698294 bearing the name of Bui Quang Khai, born on July 14, 1973 in Hai Phong, issued by the Immigration Administration Directorate on

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20,000, and this was in line with the results of verification.

As a result, based on these facts, it was concluded that the defendant Vann Le had an act of forgery of People's ID cards and passport to be legally qualified for staying in Vietnam with a view to fleeing and hiding from the hunt of the US police. With the above-mentioned act, it was concluded with a foundation that the defendant Vann Le had committed "forgery of stamp and documents of an agency" specified in Clause 1, Article 267 of the Criminal Code.

The offense caused by the defendant has violated the order of administrative management, and disturbed the peace and order of the society, and had a bad impact on the social security situation while the defendant himself was a dangerous person having been tracked down, and yet come back to Vietnam to hide himself and mingled with the community. The defendant was thus to be punished with a severe sentence in order to make the punishment to fit the crime.

However, when evaluating the situation we also considered the fact that this was the first time that the defendant committed the crime; therefore, he should be punished with a punishment less severe than the one he should have been.

The evidence of the case was two People's ID cards and one passport bearing the names of Bui Quang Khai and Le Hoang Long which were the documents kept on file; therefore, they need not to be destroyed.

In the case there was also Cuong Antony (that is Tran Hong Cuong) who forged the passport for Vann Le, and is now on the run. The investigation agency is following up, and will deal with him later on when he is arrested.

As for the defendant's personal property seized by the investigation agency, according to the inventory of seized items dated on 12/23/2003 and 12/25/2003 which consisted of:

- 01 ICLIP cell phone.
- 01 GPRS cell phone, Sim number 091.3679947.
- 01 Telson cell phone, Sim number 095.8879947.
- 01 Social Security Card No [REDACTED] bearing the name of Vann Le.
- 01 Bankoh Bank card No [REDACTED] bearing the name of Vann Le.
- 01 Los Angelesath card bearing the name of Vann Le.
- 01 driver license bearing the name of Vann Le.
- 01 business card bearing the name of Vann Le.
- 01 JAL card bearing the name of Vann Le.
- 01 Pacific Care card bearing the name of Vann Le.

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- 01 picture of Vann Le.
- 02 chargers.
- 01 registration certificate for operation of the office of CML Corporation.
- 05 Largan technological cameras.
- 05 telephone samples recently brought to Vietnam, cannot be used in Vietnam.
- 01 old Cartier watch.
- 05 computer disks bearing the words Cellon, Seum, Telson, D852.
- 01 box of eye drops: contact lens.
- 01 box of business cards bearing the name of Vann Le.
- 04 sets of records.
- 01 copy of Passport bearing the name of Vann Le.
- 01 copy of Passport bearing the name of Le Xuan Dieu.
- 02 personal business folders of Vann Le.
- 01 notebook, also used as a wallet, bearing the name of Vann Le, containing phone numbers and addresses.
- 01 dark blue passport number 035236244 bearing the name of Vann Le. It has the total of 24 pages.
- 02 pictures of Vann Le (3x4).
- 03 cards: 01 Driver License, 02 Firearms, ammunition Explosive ID cards bearing the name of Vann Le.

Basing the above-mentioned observations,

**THE HO CHI MINH CITY PEOPLE'S COURT DECIDED**

To apply Clause 1, Article 267; Item 1, Clause 1, Article 46 of the Criminal Code.

To punishment Vann Le with ten months' imprisonment, the term of which began from 12/23/2003 for "Forgery of stamp and documents of an agency."

To apply Article 42 of the Criminal Code.

To return to the defendant the following property:

- 01 ICLIP cell phone.
- 01 GPRS cell phone, Sim number 091.3679947.
- 01 Telson cell phone, Sim number 095.8879947.
- 01 Social Security Card No [REDACTED] bearing the name of Vann Le.
- 01 Bankoh Bank card No [REDACTED] bearing the name of Vann Le.
- 01 Los Angeles card bearing the name of Vann Le.

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- 
- 01 driver license bearing the name of Vann Le.
  - 01 business card bearing the name of Vann Le.
  - 01 JAL card bearing the name of Vann Le.
  - 01 Pacific Care card bearing the name of Vann Le.
  - 01 picture of Vann Le.
  - 02 chargers.
  - 01 registration certificate for operation of the office of CML Corporation.
  - 05 Largan technological cameras.
  - 05 DTDD forms for returning to Vietnam, cannot be used in Vietnam.
  - 01 old Cartier watch.
  - 05 computer disks.
  - 01 box of eye drops, contact lens.
  - 01 box of business cards bearing the name of Vann Le.
  - 04 sets of records.
  - 01 copy of Passport bearing the name of Vann Le.
  - 01 copy of Passport bearing the name of Le Xuan Dieu.
  - 02 personal folders of Vann Le.
  - 01 notebook, also used as a wallet, bearing the name of Vann Le, containing phone numbers and addresses.
  - 02 pictures of Vann Le.
  - 03 cards: 01 Driver License, 02 Firearms, ammunition Explosive ID bearing the name of Vann Le.

The defendant must pay criminal trial costs of 50,000 dong.

Within 15 days as of the sentence day the defendant has the right to appeal to the appeal court for retrial.

People's Jury  
(Signed)

Le Giao - Tran Ngoc Thuc

Presiding  
(Signed)

Pham Thi Bach Hue

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(CERTIFIED TRUE COPY)  
Ho Chi Minh City, September 01, 2004  
Judge  
(Signed & sealed)

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**Recipients:**

- People's Supreme Court
- HCMC People's Organ of Control
- P. PC 27 - CATP
- Prison camp
- THA - HS
- P. THA - DS
- Defendant → For
- Plaintiff → Implementation
- File

Pham Thi Bach Hue